

S-5101

1 Amend House File 490, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 668.11, Code 2011, is amended
6 to read as follows:

7 **668.11 Disclosure Designation of and certifications**
8 **by expert witnesses in liability cases involving**
9 **licensed professionals.**

10 1. A party in a professional liability case brought
11 against a licensed professional pursuant to this
12 chapter who intends to call an expert witness of ~~their~~
13 the party's own selection, shall certify designate to
14 the court and all other parties the expert and include
15 the expert's name, and qualifications, and the purpose
16 for calling the expert, and the element or elements of
17 the cause of action about which the expert will testify
18 within the following time period:

19 a. The plaintiff within one hundred eighty days of
20 the defendant's answer unless the court for good cause
21 not ex parte extends the time of disclosure.

22 b. The defendant within ninety days of plaintiff's
23 certification.

24 2. If a party fails to disclose an expert pursuant
25 to subsection 1 or does not make ~~the~~ an expert
26 available for discovery, the expert shall be prohibited
27 from testifying in the action unless leave for the
28 expert's testimony is given by the court for good cause
29 shown.

30 3. This section does not apply to court appointed
31 experts or to rebuttal experts called with the approval
32 of the court.

33 4. a. An expert witness designated by the
34 plaintiff to testify about a breach of the standard of
35 care or causation of damages shall sign a certification
36 at the time of designation stating that to the best
37 of the expert's knowledge, information, and belief,
38 based on the information reasonably available to the
39 expert at the time of the certification, the expert has
40 a good-faith belief that the defendant or defendants
41 breached the applicable standard of care or that the
42 breach was the cause of the damages alleged or both, if
43 applicable.

44 b. An expert shall be given an opportunity to
45 certify supplementary information if the substance of
46 the expert's testimony relating to a breach of the
47 standard of care or causation of damages has been
48 updated, revised, or changed since the time of the
49 original certification, in accordance with the rules
50 of civil procedure.

1 5. Upon motion, the court may limit the number of
2 experts designated by a party to avoid unreasonably
3 cumulative or duplicative evidence, undue burden or
4 expense, or for other good cause.>

5 2. Title page, by striking lines 1 and 2 and
6 inserting <An Act relating to the designation of and
7 certifications by expert witnesses in liability cases
8 involving licensed professionals.>

COMMITTEE ON JUDICIARY
EUGENE S. FRAISE, CHAIRPERSON